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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,121 08/06/99 CASEBOLT

M M-7792-US

EXAMINER

024251 MM91/0815
SKJERVEN MORRILL MACPHERSON LLP
25 METRO DRIVE
SUITE 700
SAN JOSE CA 95110

CHANG, Y

ART UNIT

PAPER NUMBER

2835
DATE MAILED:

9
08/15/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/370,121

Applicant(s)

CASEBOLT ET AL.

Examiner

Yean-Hsi Chang

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 29 recites the limitation "the body portion" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25, and 27-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Hileman et al. (US 5,751,551).

Hileman teaches a hard drive mounting structure comprising:

- a hard drive bay (14, fig. 1) including:

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- a first notch (58, fig. 4) provided on a first interior side of the hard drive bay
- a second notch (64, fig. 4) provided on a second interior side of the hard drive bay
- a shoulder (not numbered in fig. 4) on a second side of the drive bay
- a first rail and a second rail (18s, fig. 1) provided along both side of the hard drive
- Guide rails (20, fig. 1) provided on both interior sides of the bay
- a hard drive assembly comprising:
 - a hard drive (12, fig. 1)
 - a chassis (10, fig. 1) attached to the hard drive, including a retaining portion (not numbered in fig. 1)
 - a handle (42, fig. 4) rotatably connected to the retaining portion, having a first end (not numbered) and a second end (not numbered) distal from the first end, rotatable about an axis (44, fig. 4) located between the first and second ends, and defining a closed position (solid line in fig. 5) and an open position (phantom line in fig. 5)
 - a first latch (54, fig. 4) provided on the first end of the handle
 - a second latch (62, fig. 4) provided on the second end of the handle
 - a cam a cam (46, fig. 4) provided at the second end of the handle

5. Claims 33-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 5,757,618).

Lee teaches a clip comprising:

- a clip body (30, fig. 3)
- a stabilized projection (30b, fig. 3) attached to a top portion of the clip body, extending to an exterior of a computer case (12, fig. 1) having first and second slots
- a first and a second flanges (30a, fig. 5) attached to sides of the clip body
- a mounting bracket (26, fig. 5) being provided for each of extension cards

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-13, 15, 17-18, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smithson et al. (US 5,654,873).

Regarding claims 1-2, 11-13, 15, and 23-24, Smithson teaches a computer system comprising:

- a case (501, fig. 4) a first drive bay (106, fig. 1) and a second drive bay (106, fig. 1) having guide rails (604 and 605, fig. 4) on both interior sides

- a first drive assembly (shown in fig. 2, same to a second drive assembly) comprising:
 - a first hard drive (102, fig. 2, same to a second hard drive)
 - a first drive chassis (same to a second drive chassis, not numbered) comprising: a first rail (204, fig. 2); a second rail (205, fig. 2) including a channel (not numbered) and a light transmitting member (206, fig. 2), a fiber optic filament provided in the channel; a retaining portion (202, fig. 2) adjacent a front side of the first hard drive and connecting a front end of the first rail to a front end of the second rail
 - a handle (201, fig. 2) having two ends (not numbered) being rotatably connected to the retaining portion about an axis defined by holes 211 and 212 located at the two ends, the handle defining a closed position (fig. 15B) and an opened position (fig. 15A)
 - a first notch (213, fig. 2) on one end of the handle
 - a cam (216, fig. 2) on the other end of the handle
 - a first latch (611, fig. 14) on a first interior side of the first drive bay

Smithson fails to teach a first notch on a first interior side of the first drive bay and a first latch on one end of the handle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Smithson with a first notch on a first interior side of the first drive bay and a first latch on one end of the handle, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

Regarding claims 3-10, and 17-18, Smithson discloses the claimed invention except the dimensions of the case, the drive bays, the hard drives, and the gaps between surfaces. It would have been an obvious matter of design choice to select the proper dimensions of the case, the drive bays, the hard drives and the gaps between surfaces, since such a modification would have involved a mere change in the sizes of components. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claims 21 and 22, Smithson discloses the claimed invention except a light transmitting member included on the first rail of the drive chassis. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a light transmitting member on the first rail of the drive chassis, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smithson et al. in view of Bologna (US 6,084,768).

Smithson discloses the claimed invention except a spring on the handle urging the handle to rotate from a closed position to an open position. However, Bologna teaches a spring (168, fig. 12A) on the handle urging the handle to rotate from a closed position (fig. 11a) to an open position (fig. 13A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of

Smithson with the spring taught by Bologna for the purpose of urging the handle to rotate open when the latch is released.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smithson et al. in view of Young et al. (US 6,018,456).

Smithson discloses the claimed invention except a fan provided in the case adjacent to a rear portion of the drive bay. However, Young teaches a fan (39, fig. 8) provided in the case adjacent a rear portion of the drive bay. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Smithson with the fan taught by Young for the purpose of cooling.

10. Claims 26, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hileman et al. in view of Bologna and Young et al.

Regarding claim 26, Hileman discloses the claimed invention except a spring on the handle urging the handle to rotate from a closed position to an open position. However, Bologna teaches a spring (168, fig. 12A) on the handle urging the handle to rotate from a closed position (fig. 11a) to an open position (fig. 13A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Hileman with the spring taught by Bologna for the purpose of urging the handle to rotate open when the latch is released.

Regarding claim 31, Hileman discloses the claimed invention except the dimensions of the case, the drive bays, the hard drives, and the gaps between surfaces,

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It would have been an obvious matter of design choice to select the proper dimensions of the case, the drive bays, the hard drives and the gaps between surfaces, since such a modification would have involved a mere change in the sizes of components. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 32, Hileman discloses the claimed invention except a fan provided in the case adjacent to a rear portion of the drive bay. However, Young teaches a fan (39, fig. 8) provided in the case adjacent a rear portion of the drive bay. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Hileman with the fan taught by Young for the purpose of cooling.

11. Claims 19 and 20 are canceled.

Allowable Subject Matter

12. The indicated allowability of claims 33-39 is withdrawn in view of the newly discovered reference(s) to Lee (US 5,757,618). Rejections based on the newly cited reference(s) are in paragraph 5 of this office action hereinabove.

Response to Arguments

13. Applicant's arguments with respect to claims 1-18 and 21-32 have been considered but are moot in view of the new ground(s) of rejection.

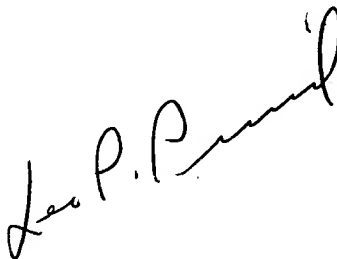
Correspondence

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (703) 306-5798. The examiner can normally be reached on 07:30-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-8558.

Yean-Hsi Chang
Patent Examiner
Art Unit: 2835
August 9, 2001

A handwritten signature in black ink, appearing to read "Leo P. Picard", written diagonally across the page.

Leo P. Picard
Supervisory Patent Examiner
Technology Center 2800